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**City of Nehalem**  
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FIELD SERVICES  
DRINKING WATER PROGRAM

ORDINANCE 2008-01

**AN ORDINANCE ESTABLISHING A CROSS CONNECTION CONTROL PROGRAM FOR THE CITY OF NEHALEM; MODIFYING CERTAIN SECTIONS OF ORDINANCE 2006-03; AND DECLARING AN EMERGENCY**

**WHEREAS**, the Environmental Protection Agency and the Oregon Department of Human Services – Drinking Water Program require all water system operators to adopt certain rules and regulations pertaining to Cross Connection Control and adopt and maintain a Cross Connection Control Manual, have a certified Cross Connection Control Specialist either on staff or by contract, and certify that all backflow and other similar types of cross connection control devices are tested yearly;

**WHEREAS**, Ordinance 2006-03, which constitutes the City's Water Ordinance contains some Sections relating to Cross Connection Control that need to be updated in keeping with the State's and EPA's rules and regulations; and

**WHEREAS**, An Emergency should be Declared to ensure that these Cross Connection Control rules and regulations go into immediate effect to remain compliant with the State's and EPA's rules and regulations relating to Cross Connection Controls.

**THE CITY OF NEHALEM DOES ORDAIN AS FOLLOWS:**

Article I. Title & Purpose

**Section 1.1 Title.** This Ordinance shall be known as the "City of Nehalem Cross Connection Control Ordinance."

**Section 1.2 Purpose.** The purpose of this Ordinance shall be to establish programs for controlling and eliminating cross connections and to establish standards for the installation of backflow prevention assemblies.

Article II. Definitions

- Section 2.1** The following words and phrases shall have the following meaning within this *Ordinance*:
1. **Approved Backflow Prevention Assembly.** An assembly approved by both the Oregon Department of Human Services and the City for preventing backflow occurrences.
  2. **Auxiliary Water Supply.** Any supply of water used to augment the supply obtained through the City's water system which serves the premises in question.
  3. **Backflow.** The flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any sources other than its intended source, and is caused by backsiphonage or backpressure.

4. **Backflow Prevention Assembly.** Any City or State approved assembly used to prevent backflow into a potable water system. The types of assemblies include: Double-Check Valve Assemblies, Pressure Vacuum Breaker Assemblies, Reduced Pressure Principle Assemblies, Air gap separation, and Spill Resistant Vacuum Breakers.
5. **Cross Connection.** Any unprotected actual or potential connection or structural arrangement between a public or a consumer's potable water system and any other source or system through which it is possible to introduce into any part of the potable system any used water, industrial fluid, gas or substance other than the intended potable water with which the system is supplied. Bypass arrangements, jumper connections, removable sections, swivel or changeover devices and other temporary or permanent devices through which or because of which backflow can or may occur are considered to be cross connections.
6. **Irrigation System.** A metered connection intended for seasonal use and delivering water which is not discharged into the sanitary sewerage system.
7. **Public Health Hazard.** A condition, device or practice which is conducive to the introduction of water borne disease organisms, or harmful chemical, physical or radioactive substances into a public water system, and which represents an unreasonable risk to health.
8. **Safe Drinking Water.** Water which has sufficiently low concentrations of microbiological, inorganic chemical, organic chemical, radiological, or physical substances so that individuals drinking such water at normal levels of consumption will not be exposed to disease organisms or other substances which may produce harmful physiological effects.

### Article III. Cross Connection Control Program

**Section 3.1 Program Established.** There is established a cross connection control and backflow prevention program to be administered by and for the City of Nehalem and its water system.

**Section 3.2 Cross Connection Control Standards.** The City adopts and incorporates herein by reference the "cross connection control requirements" as contained within Oregon Administrative Rules Chapter 333-061-0070, or as amended.

**Section 3.3 Backflow Assembly Installation Standards.** The City adopts and incorporates herein by reference the "backflow assembly installation standards" as contained within Oregon Administrative Rules Chapter 333-061-0071.

**Section 3.4 Existing or Potential Cross Connections.**

1. If the City has reasonable cause to believe that an existing or potential cross connection is located on the consumer's premises, the City shall deny or discontinue water service to those premises which contain an existing or potential cross connection, until:
  - a. A state-approved backflow prevention assembly or method commensurate with the degree of hazard is installed and approved by the City of Nehalem; or
  - b. The cause of the hazard and/or cross connection is eliminated and/or prevented from future occurrences, to the City's satisfaction.
2. As backflow prevention assemblies do not allow water to move in a reverse flow, it is the responsibility of the property owner to eliminate the possibility of thermal expansion.
3. Service may either be denied or discontinued if access to the consumer's premises for inspection to determine whether a cross connection or potential cross connection exists is denied.



**Section 3.5 Testing By Authorized Personnel.** It is the responsibility of each City water customer who is required under this Ordinance to have a backflow prevention assembly to have their assembly tested annually, with a copy of said results delivered to the City, by a person or company licensed and authorized to perform such tests by the Oregon Department of Human Services.

1. If the City has not received the results of the annual test, as required, within thirty (30) days of the anniversary date (i.e., date device was installed, etc., as determined by the City) for such annual testing, or within ten (10) days of the date of installation or relocation of the assembly, or the date of the City's discovery that the assembly was installed without testing as applicable, the City may order the test and add the cost onto the property owner's monthly water bill.

**Section 3.6 Repairs & Retesting.** In the event that the results of the tests required by this Ordinance and ordered by the City or the property owner indicate that repairs are necessary, the repairs must be made at the owner's expense and a new test made and results of the test forwarded to the City within ten (10) days of the date of the first test. In the event that the City has not received evidence of the repairs and the results of the second test within ten (10) days of the first test, the City may cause to have the repairs made and add such costs to the customer's monthly water bill. This section shall apply to all tests and repairs until a test shows the backflow prevention assembly is functioning properly.

1. The City may discontinue the water service of any person or property who refuses or fails to pay such testing or repair charges added to the customer's water bill.

**Article V. Amend Ordinance 2006-03, Sections 4.7 to 4.10**

**Section 5.1** Section 4.7 of Ordinance 2006-03 is hereby amended to add the following language:

"(d) The City may deny or discontinue water service to any person or property which contains an existing or potential cross connection, or who refuses or fails to pay for such backflow prevention assembly testing or repair charges incurred by the City and added to a customer's bill, as defined in Ordinance 2008-01."

**Section 5.2** Section 4.8 of Ordinance 2006-03 is hereby amended to read as follows:

"Section 4.8 Cross Connections. All cross connections, backflow prevention assemblies and their respective rules, standards and regulations shall be governed by Ordinance 2008-01, as may be amended."

**Section 5.3** Section 4.9 of Ordinance 2006-03 is hereby amended to read as follows:

"Section 4.9 Private Water Supply Connections; Contamination. No physical connection, direct or indirect, shall exist even temporarily between the City's water system and that of a private water system, including Recreational Vehicles that are not directly connected to or within an authorized Recreational Vehicle Park that is in compliance with this Ordinance and Ordinance 2008-01. Where such connections are found to exist or where there is the potential for them to exist, water service shall be immediately discontinued or denied until such time that the cross connection has been permanently severed or a proper backflow prevention assembly is installed, in accordance with Ordinance 2008-01.

- (a) Additionally, no owner of property or user of City water shall introduce or permit the introduction of pollution or contamination of any kind into the City's water system."

**Section 5.4** Section 4.10 of Ordinance 2006-03 is hereby amended to read as follows:

"Section 4.10 Backflow Prevention Assemblies. Regulation of backflow prevention assemblies, including but not limited to the inspection for the need for such devices and

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required testing performed solely at the customer's expense, shall be administered in accordance with *Ordinance 2008-01*, as may be amended from time to time."

**Article VI. Emergency Declaration**

**Section 6.1** An Emergency is Declared to exist so that this Ordinance shall be in full force and effect immediately upon its passage to ensure the protection of the City's water system compliance with all applicable State and Federal laws.

**Article VII.**

**Section 7.1** Should any *Article, Section, subsection, provision, clause or paragraph* of this Ordinance be adjudged or declared invalid by any court of competent jurisdiction, the remainder shall explicitly remain in full force and effect.

PASSED AND ADOPTED by the City Council on this 11 day of February, 2008; and

APPROVED by the Mayor this 11 day of February, 2008.

  
Shirley Kalkhoven, Mayor

ATTEST:   
Michael A. Nitzsche, City Manager

First Reading: Feb. 11, \_\_\_\_\_, 2008

Ayes: 4  
Nays: 0  
Abstentions: 0  
Absent: 0

Adopted: Feb. 11, \_\_\_\_\_, 2008

Ayes: 4  
Nays: 0  
Abstentions: 0  
Absent: 0

Second Reading: Feb. 11, \_\_\_\_\_, 2008

Ayes: 4  
Nays: 0  
Abstentions: 0  
Absent: 0